

**§3210-H. Floating offshore wind research array; project labor agreements**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Floating offshore wind research array project" or "research array" means a project undertaken by an entity to develop a floating offshore wind energy system for the purpose of conducting research on such systems pursuant to 30 Code of Federal Regulations, Part 585 and is located seaward of territorial waters. [PL 2021, c. 327, §1 (NEW).]

B. "Labor organization" means an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work. [PL 2021, c. 327, §1 (NEW).]

C. "Project labor agreement" means a prehire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project or portion of a construction project, wherever such construction occurs, and is an agreement described in 29 United States Code, Section 158(f). [PL 2021, c. 327, §1 (NEW).] [PL 2021, c. 327, §1 (NEW).]

**2. Project labor agreements.** When requiring the negotiation of, or directing an investor-owned transmission and distribution utility to enter into, a long-term contract pursuant to section 3210-C or any other provision of law with an entity for capacity, energy or renewable energy credits associated with the development of a floating offshore wind research array project, or obligating funds pursuant to such a contract, the commission shall require the use of a project labor agreement, to be negotiated and executed by the entity seeking the long-term contract in accordance with this section.

A. The project labor agreement must be negotiated in good faith and executed prior to the effective date of a long-term contract for a research array. [PL 2021, c. 327, §1 (NEW).]

B. A project labor agreement reached pursuant to this section must:

- (1) Bind all contractors and subcontractors to the terms of the agreement through the inclusion of appropriate provisions in all relevant solicitation and contract documents;
- (2) Provide for the invitation of all contractors and subcontractors to bid on contracts without regard to whether the employees of the contractor or subcontractor are members of a labor organization or parties to a collective bargaining agreement;
- (3) Contain guarantees against strikes, lockouts and similar disruptions;
- (4) Contain terms that are consistent with orders issued by the commission;
- (5) Set forth mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement;
- (6) Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety and health; and
- (7) Fully conform to all relevant state and federal statutes, rules and regulations. [PL 2021, c. 327, §1 (NEW).]

C. Nothing in this section may be construed to:

- (1) Require the commission to require a project labor agreement on projects or in connection with contracts not governed by this section;
- (2) Preclude the use of a project labor agreement in circumstances not covered by this section;

- (3) Require contractors or subcontractors to enter into a project labor agreement with any particular labor organization;
- (4) Impair or otherwise affect authority granted by law to the commission; or
- (5) Prohibit in a project labor agreement the reasonable use of key employees by contractors and subcontractors who are not members of a labor organization or parties to a collective bargaining agreement. [PL 2021, c. 327, §1 (NEW).]

D. Notwithstanding any provision of law to the contrary, agreements and contracts entered into pursuant to this section are not subject to the competitive bid requirements in Title 5, section 1825-B. [PL 2021, c. 327, §1 (NEW).]

E. This section must be implemented consistent with applicable law. This section does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State, its departments, agencies or entities or its officers, employees or agents. [PL 2021, c. 327, §1 (NEW).]

[PL 2021, c. 327, §1 (NEW).]

**REVISOR'S NOTE:** §3210-H. Northern Maine Renewable Energy Development Program (As enacted by PL 2021, c. 380, §1 is REALLOCATED TO TITLE 35-A, SECTION 3210-I)

#### SECTION HISTORY

PL 2021, c. 327, §1 (NEW).

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